

# **3 FAM 2210 APPOINTMENTS**

(TL:PER-431; 12-17-2001)

## **3 FAM 2211 GENERAL POLICY**

(TL:PER-430; 12-05-2001)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

a. The Department's policy is to recruit and select the best qualified employees available, without regard to age, race, color, religion, sex, national origin, politics, marital status, or physical handicap with respect to any position which the duties may be efficiently performed by a person with the physical handicap.

b. The Department develops and maintains qualification standards for various categories of positions, publishes recruitment literature, publicizes its needs, and conducts planned recruiting trips throughout the United States to attract and examine the type of personnel needed for effective operation of the Foreign Service posts.

c. Concerning the interchange between Foreign Service and Civil Service an agreement between the Department and the *Office of Personnel Management* provides for the interchange of career personnel between the Foreign Service and the competitive civil service.

d. Under this agreement, former career personnel of the Foreign Service, Foreign Service Officer (FO), or Foreign Service Specialist (FP), and such present personnel desiring to transfer, are eligible, under certain conditions, for noncompetitive career or career-conditional appointment in any Federal agency that desires to appoint them. The President has authorized the *Office of Personnel Management* by Executive Order 11219 of May 6, 1965, to waive the requirement for competitive examination and appointment for such Foreign Service officers and employees.

e. In order to provide a comparable basis for the appointment of career or career-conditional civil service employees in the Foreign Service, the Department has agreed to waive written test requirements under certain conditions, for career or unlimited appointment to the Foreign Service Staff Corps and to credit service under a civil service career-type appointment toward the probationary period in the Staff. In addition, the agreement recognizes the current provisions of the Foreign Service Act as a basis for the lateral entry appointment of present or former civil service personnel as Foreign Service officers.

# **3 FAM 2212 BASIC REQUIREMENTS FOR EMPLOYMENT OF U.S. CITIZENS**

## **3 FAM 2212.1 Security Investigation**

### **3 FAM 2212.1-1 Authority**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. Executive Order 10450 of April 27, 1953, as amended, provides:

(1) The head of each department of the U.S. Government establish and maintain an effective program to insure that the employment and retention of any civilian officer or employee is clearly consistent with the interests of national security; and

(2) The appointment of each civilian officer or employee shall be made subject to investigation.

b. Subchapter 3 FAM 2220 and 12 FAM 230 provides:

(1) Every appointment made within the Department shall be made subject to a full field investigation;

(2) No sensitive position in the Department shall be filled or occupied by any person for whom a full field investigation has not been conducted; and

(3) The Bureau of Diplomatic Security (DS) shall conduct such investigations as may be required by the investigative responsibilities of the Secretary.

### **3 FAM 2212.1-2 Definitions**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. "National security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the U.S. Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to weaken or destroy the United States.

b. "Sensitive position" means any position in the Department of State the occupant of which could bring about, because of the nature of the position, a material adverse effect on the national security. Guidelines for determining position sensitivity are provided in 3 FAM 2220. In view of the highly sensitive nature of the operations and activities of the Department, all positions shall be considered as critical-sensitive, except for such positions as may be specifically designated otherwise by the Diplomatic Security Service.

### **3 FAM 2212.1-3 Personal Data Required**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Applicants for employment with the Department in sensitive positions, as part of the preemployment investigative process, must submit through the Employment Division (HR/REE/EMP) or the Secretariat for the Board of Examiners for the Foreign Service (HR/REE/BEX) the following forms and information for use by the Office of Diplomatic Security:

(1) Form DS-86, *Questionnaire for National Security Position*, completed in quadruplicate by typewriter. The applicant, if married, must provide in item 28 of Form DS-86, the name and address of the spouse's current employer or a statement that the spouse is not employed, and all addresses at which the spouse has resided since the age of 21; and

(2) Form DS-87, U.S. Civil Service Commission Fingerprint Chart, in duplicate.

### **3 FAM 2212.2 Assignment Availability**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

If feasible, applicants will be assigned *abroad* initially to the geographic area of their choice. However, they must be willing, if no appropriate vacancies exist in their area of choice at the time of initial assignment, to accept assignment to any foreign post. Employees also must be willing to accept subsequent assignments to any post according to the needs of the Service. Persons who limit their availability to specific locations cannot be considered unless qualified candidates prepared to accept assignment to any post are not available. This does not apply to resident staff personnel or to persons employed for special programs and assigned to a certain post or area.

### **3 FAM 2212.3 Employment of Spouses or Dependents**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. It is the policy of the Department to consider the employment or re-employment of spouses or dependents or employees who wish to work at posts abroad. Such employment is subject to the approval of the chief of mission (see 3 FAM 2220 and 3 FAM 4120).

b. Posts should routinely survey families as they arrive to determine which spouses or dependents desire employment and have skills which may be needed at the post. The usual provision for security clearances must be observed for all such appointments.

### **3 FAM 2212.4 Changes in Employment Status**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. Employees who wish to continue their careers as regular employees after marriage can do so if they continue to accept all conditions of employment without reservation, including availability for worldwide service (see 3 FAM 2220 and 3 FAM 4100 Appendix B).

b. When marriage or other factors affect worldwide availability, employees may apply for conversion to limited resident status. See 3 FAM 4100 Appendix B for provisions covering marriage of employees to an alien.

c. If a Foreign Service employee must remain indefinitely in the United States after marriage, the employee may be considered for transfer to an appropriate personnel category.

### **3 FAM 2213 VOLUNTARY SERVICES**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

Voluntary services shall not be accepted for the U.S. Government except in cases of sudden emergency involving the loss of human life or the destruction of property.

### **3 FAM 2214 EFFECTIVE DATE OF APPOINTMENT**

#### **3 FAM 2214.1 Chiefs of Mission**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Appointment or assignment as chief of mission is effective on a date established in accordance with the following rules, except that the appointment or assignment cannot be effective prior to the date the President takes final action thereon:

(1) When a person is appointed from outside the Service to a position in the Service as chief of mission, the appointment is effective either on the date the person enters on official travel status for the purpose of proceeding to a post of duty or place of temporary detail, or on the date the person enters on duties connected with the position in question, whichever date is earlier. The Department may, however, by administrative action, establish the date on which the person takes oath of office as the effective date of appointment as chief of mission.

(2) When a Foreign Service employee is appointed or assigned without break in service to a position as chief of mission, the appointment or assignment is effective on the date the employee enters on official travel status for the purpose of proceeding to post of duty or place of temporary detail as chief of mission. The Department may, however, by administrative action, establish the date on which the employee takes oath of office in the new position as chief of mission as the effective date of appointment or assignment to such position.

(3) The appointment of a chief of mission or of a Foreign Service officer is not effective until the appropriate commission has been issued by the President.

### **3 FAM 2214.2 Foreign Service Officers**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

An appointment as a Foreign Service officer is effective on a date established in accordance with the following rules, except that the appointment cannot be effective prior to the date the President takes final action thereon:

(1) When a person is appointed from outside the Service, or is reappointed or recalled, to a position in the Service as a Foreign Service officer, the appointment, reappointment, or recall is effective either on the date the appointee enters on official travel status for the purpose of proceeding to a post of duty or the place of temporary detail, or on the date the appointee enters on duties connected with the position in question, whichever date is earlier.

(2) When a Foreign Service employee is appointed, without a break in service, to a position as a Foreign Service officer from a position in some other category in the Service, the appointment as a foreign service officer is effective on the date the employee enters on the duties of the new position in accordance with instructions given in Form SF-50, Notification of Personnel Action.

### **3 FAM 2214.3 Reserve and Staff Personnel**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Appointment to a position in the Foreign Service Reserve or Staff is effective on a date established in accordance with the following rules:

(1) When a person is appointed or assigned from outside the Service to a position in the Reserve or Staff, the appointment or assignment is effective either on the date the appointee enters on official travel status for the purpose of proceeding to post of duty or the place of temporary detail, or on the date the appointee enters on duties connected with the position in question, whichever date is earlier; and

(2) When a Foreign Service employee is appointed or assigned, without a break in service, to a position in the Foreign Service Reserve or Staff from some other category in the Service, the appointment or assignment is effective on the date the employee enters on in accordance with instructions given in Form SF-50, Notification of Personnel Action.

### **3 FAM 2215 PERSONNEL REVIEW PANEL**

(TL:PER-430; 12-05-2001)

(State Only)

(Applies to Foreign Service Employees)

a. The Personnel Review Panel (PRP) is established to consider the suitability of cases referred for review by the Diplomatic Security Service (DSS). The PRP is authorized to make final decisions regarding suitability for employment on all applicants for civil service employment, and time-limited Foreign Service employees, and part-time, intermittent temporary (PIT) employees with the Department of State.

b. Panel members will represent the Evaluations Division of the Diplomatic Security Service, Medical Services, and the following offices of the Bureau of *Human Resources* Staffing Support Division (HR/CSP/SSD); Foreign Service Conduct, Suitability, and Discipline Staff (HR/ER/CSD); and the Employee Relations Division (HR/CSP/ER), which chairs the PRP.

c. Negative decisions by the PRP will be documented in the individual's *Diplomatic Security* (DS) file, and will be final, subject to review only under exceptional circumstances, and after obtaining a determination by DSS that the individual would be eligible for a security clearance, the Director General of the Foreign Service and Director of *Human Resources* may appeal the negative decision of the PRP to the Under Secretary for Management. Such an appeal should include any mitigating or extenuating circumstances bearing on the information of suitability concern, and provide a brief statement of the nature of any exceptional circumstances *that* would warrant reversal in the interests of the Department or the Foreign Service. Such appeals, and the Department's final decision, will be documented in the individual's DS file.

d. When the PRP renders a negative decision, an applicant or time-limited Foreign Service employee or part-time intermittent temporary appointment (PIT) employee will be notified by the Bureau of *Human Resources* of the termination of their candidacy *and/or* employment. In the case of PIT employees, such notification will be channeled through the regional bureau of the post requesting the clearance. Copies of such notices will be filed in the individual's DS file.

e. When the PRP renders an affirmative decision, DSS will be so notified and they will then consider any security issues that may exist.

## **3 FAM 2216 METHODS OF APPOINTMENT**

### **3 FAM 2216.1 Chiefs of Mission**

#### **3 FAM 2216.1-1 Appointment by President**

*(TL:PER-315; 03-26-1996)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

Chiefs of mission are appointed by the President, by and with the advice and consent of the Senate. They may be career members of the Foreign Service or they may be appointed from outside the Service.

#### **3 FAM 2216.1-2 Recommendation of Foreign Service Officers**

*(TL:PER-315; 03-26-1996)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

On the basis of recommendations made by the Board of the Foreign Service, the Secretary of State from time to time furnishes the President with the names of Foreign Service officers qualified for appointment as chiefs of mission. The names of these officers, together with pertinent information concerning them, are given to the President to assist the President in selecting qualified candidates for appointment as chiefs of mission.

#### **3 FAM 2216.1-3 Status of Foreign Service Officers Appointed as Chiefs of Mission**

*(TL:PER-315; 03-26-1996)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

Foreign Service officers who are appointed as chiefs of mission retain their status as Foreign Service officers.



## **3 FAM 2216.2 Junior Foreign Service Officer Career Candidate Appointments**

### **3 FAM 2216.2-1 General Considerations**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

#### **a. Authority**

Pursuant to sections 302 and 306 of the Foreign Service Act of 1980 (hereafter referred to as the Act), all Foreign Service officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless that person is a citizen of the United States. Such appointment is initially to career candidate status with subsequent commissioning to career status governed by the provisions of 3 FAM 2240 .

#### **b. Veterans' Preference**

Pursuant to section 301 of the Act, and notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that an applicant is a veteran or disabled veteran, as defined in section 2108(3A), (3B), or (3C) of such title, shall be considered as an affirmative factor in the selection of candidates for appointment as Foreign Service officer career candidates.

#### **c. Policy**

Appointment as a junior Foreign Service officer career candidate of class 6, 5, or 4, is governed by these regulations. Successful applicants will be appointed as career candidates for a period not to exceed 5 years. Under precepts of the Commissioning and Tenure Board, career candidates may be granted tenure and converted to career Foreign Service officer status. Those who are not granted tenure prior to the expiration of their career candidate appointments will be separated from the career candidate program no later than the expiration date of their appointments. Separated candidates who originally were employees of a department or agency will be entitled to reemployment rights in their former department or agency under section 310 of the Act.

### **3 FAM 2216.2-2 Written Examination**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

The following regulations apply to the written examination.

#### **(1) Purpose**

The written examination is designed to enable the Board of Examiners for the Foreign Service to test the applicant's intelligence, breadth and quality of knowledge, and understanding of the requirements of Foreign Service work.

#### **(2) Eligibility**

Before each written examination, the Board of Examiners will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated to take the examination who has not, as of that closing date, filed an application with the Board. To be designated to take the written examination, an applicant, as of the date of the examination, must be a citizen of the United States and at least 20 years of age.

#### **(3) When and Where Given**

The written examination will be given periodically, normally at least once a year, in designated cities in the United States and at Foreign Service posts, on dates established by the Board of Examiners and publicly announced.

#### **(4) Grading**

The several parts of the written examination will be weighted and graded according to standards established by the Board of Examiners. The number of candidates who pass each written examination will be governed by the projected hiring needs of the participating foreign affairs departments and agencies in subsequent years.

### **3 FAM 2216.2-3 Oral Examination**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

The following regulations apply to the oral examination.

**(1) Purpose**

The oral examination is designed to enable the Board of Examiners for the Foreign Service to test the candidate's competence to perform the work of a Foreign Service officer at home and abroad, potential for growth in the Foreign Service, and suitability to serve as a representative of the United States abroad. The oral examination for the Junior Career Candidate Program will consist of an assessment procedure publicly announced by the Board of Examiners and hereinafter referred to as the oral examination.

**(2) Eligibility**

**(a) Through Written Examination**

Candidates whose weighted score on the written examination is at or above the passing level set by the Board of Examiners will be eligible for selection to take the oral examination. Normally all eligible candidates will be invited to take the oral examination.

- Should the total number of eligible candidates substantially exceed the projected hiring needs of the Foreign Service, the Board of Examiners may establish and publicly announce a higher written examination score than the passing level as the basis for selection to take the oral examination.

- The Board of Examiners may authorize special consideration to be given in the selection of candidates, from among those eligible, for the purpose of meeting language requirements, Affirmative Action goals, or for other purposes *that* the Board with the concurrence of the prospective hiring agencies may approve and publicly announce from time to time.

- The nature and applicability of all criteria used to select eligible candidates to take the oral examination will be developed by the Board of Examiners in consultation with the prospective hiring agencies and publicly announced in advance of each examination by the Board.

- Candidates who are selected to take the oral examination will be notified of the period of time after the date of the written examination, as determined by the Board of Examiners, within which the oral examination must be conducted. That period will normally be one year, but it may be extended or shortened in special circumstances by the Board. The candidacy of anyone whose candidacy has not been extended by the Board, and who has not again passed the written examination in the

meantime, will be terminated two years after the end of the month in which the written examination was held. Time spent outside the United States and its territories, for reasons *acceptable* to the Board of Examiners, will not be counted against this two-year period. The candidacy of anyone for whom the two-year period is extended by the Board because of being abroad will be terminated automatically if the candidate fails to appear for the oral examination within three months after first returning to the United States. If a candidate fails to appear for the oral examination on an agreed date within the period of eligibility without an excuse acceptable to the Board, the candidacy will automatically terminate.

**(b) Through Affirmative Action**

Members of the minority groups specified by the Equal Employment Opportunity Act of 1972, as amended, may be selected by the Board of Examiners for admission to the oral examination under the Affirmative Action Programs of the participating departments and agencies. Such candidates must be at least 21 years of age, citizens of the United States, and holders of at least a bachelor's degree from an accredited college or university. Affirmative Action Program applicants will be evaluated on a highly competitive basis, under criteria established by the Board in conjunction with the participating departments and agencies and publicly announced, to determine those to be selected for the oral examination.

**(c) Through the Mustang Program**

Career employees of the Department of State in classes FS-8 through FS-4 and grades GS-5 through GS-12 who are at least 21 years of age and who have at least three years of service with the Department may be selected by the Board of Examiners for admission to the oral examination for the Junior Officer Career Candidate Program under the Mustang Program of the Department. Such Mustang candidates must:

- Either have a bachelor's or advanced degree relevant to the functions of the Foreign Service or take the annual FO written examination and obtain a score that is acceptable to the Qualifications Evaluation Panel;
- Complete an approved Foreign Service Institute, university or correspondence course comparable in difficulty and duration to one college semester and related to the generalist functional cone *that* the candidate wishes to enter. In addition, candidates must submit an autobiography of approximately 1,000 words; and
- Sign an agreement on provisions to attain tenure; and be recommended by a Qualifications Evaluation Panel of the Board of Examiners for selection for the oral examination.

- Employees of the Department of State in class GS-13 and above are eligible for the Mid-Level Career Candidate Program and should apply under that program if they wish to be considered for conversion to Foreign Service officer status (see 3 FAM 2216.3).

**(3) When and Where Given**

*The oral examination cycle will be held each year at Washington, DC, and at selected cities in the United States. If circumstances permit, oral examinations may also be held at selected Foreign Service posts when approved by the Board of Examiners.*

**(4) Examining Panel**

*The oral examination will be given by a panel of deputy examiners approved by the Board of Examiners from a roster of Foreign Service officers:*

- Foreign Service information officers;
- Career officers from the Department of State and the Department of Commerce; and
- Qualified private U.S. citizens who, by prior service as members of departmental or agency Foreign Service selections boards or other appropriate activities, have demonstrated special qualifications to serve as deputy examiners.

*Service as a deputy examiner shall be limited to a maximum of 5 years unless a further period is specifically authorized by the Board. Examination panels shall be chaired by a career officer of the Foreign Service. Determinations of duly constituted panels of deputy examiners are final unless modified by specific action of the Board of Examiners.*

**(6) Grading**

Candidates taking the oral examination will be graded numerically according to standards established and publicly announced by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again until the candidate has passed a new written examination. An Affirmative Action, Mustang, or Upward Mobility candidate who fails the oral examination may not be considered again until one year after that date.

### **3 FAM 2216.2-4 Background Investigation**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Candidates who pass the oral examination will be eligible for selection by the Board for the background investigation. The background investigation shall be conducted to determine the candidate's suitability for appointment to the Foreign Service. Should the total number of eligible candidates substantially exceed the anticipated needs of the Foreign Service, the Board of Examiners may authorize priorities to be established, on the basis of combined written and oral examination scores and Affirmative Action considerations, for scheduling the background investigation.

### **3 FAM 2216.2-5 Medical Examination**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

#### **a. Eligibility**

Candidates who pass the oral examination, and their dependents, will be eligible for selection by the Board of Examiners for the medical examination.

#### **b. Purpose**

The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service officer on a worldwide basis and, for candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis.

#### **c. Conduct**

The medical examination may be conducted by medical officers of the Department of State, the Armed Forces, the Public Health Service, accredited colleges and universities, or by private physicians.

#### **d. Determination**

The Medical Director of the Department of State will determine, on the basis of the report of the physician(s) who conducted the medical examination, whether the candidate and the candidate's dependents have met the required medical standards for appointment (see *3 FAM 1910*).

**e. Medical Disqualification**

(1) An Employment Review Committee established by the Department of State, when authorized by the candidate, will review the case of any Department of State Foreign Service candidate or dependent who has been denied medical clearance for appointment, and determine, by majority vote, whether or not the candidate should be appointed despite the medical disqualification. Decisions of the Employment Review Committee are final and are not subject to further appeal by the candidate.

(2) The United States and the Foreign Commercial Service (US-FCS) maintain their own medical review panel to review US-FCS Foreign Service candidates and dependents who have been disqualified medically. Affected candidates may apply to the Director of the *Human Resources*, US-FCS for review of their cases. Decisions of the US-FCS Medical Review Panel are final and not subject to further appeal.

**3 FAM 2216.2-6 Final Review Panel**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. After the results of the medical examination and background investigation are received, the candidate's entire file will be reviewed and graded by a final review panel, consisting of two or more deputy examiners of the Board of Examiners.

b. Candidates who have completed the examination process, have passed their medical examination, or have obtained Employment Review Committee approval or the equivalent under the procedures of the other participating agencies, and, on the basis of their background investigation, have been found suitable to represent the United States abroad, will have their names placed on the functional rank-order register(s), or a special register, for the agency or agencies for which they have been found qualified.

c. *Upon completion of a and b, candidates* will be considered for employment based on the needs of the individual foreign affairs agencies, and the candidacy of any candidate who is determined by the Final Review Panel to be unqualified for appointment shall be terminated and the candidate so informed.

### **3 FAM 2216.2-7 Certification for Appointment**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

#### **a. Eligibility**

(1) A candidate will not be certified as eligible for appointment as a Foreign Service Officer Career Candidate of class FS-6 unless that candidate is at least 21 years of age and a citizen of the United States.

(2) Career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to:

(a) Complete at least two full tours of duty, exclusive of orientation and training;

(b) Complete the requisite eligibility period for tenure consideration; and

(c) Complete the requisite eligibility period to receive retirement benefits, before reaching the mandatory retirement age of 65 as prescribed by the Act.

(3) A candidate may be certified as eligible for direct appointment to classes FS-5 or FS-4 if the Board of Examiners determines under published criteria that, in addition to meeting the requirements for class FS-6, the candidate has additional special experience and skills for which there is a need in the foreign service.

(4) Recommended candidates who meet the requirements of this section will be certified for appointment by the Board, for the needs of the foreign affairs agencies, in the order of their standing on their respective registers.

#### **b. Functional Rank-Order Registers**

The Board of Examiners may maintain separate rank-order registers for career candidates in administrative, consular, economic, and political functions within the Department of State; for career candidates in the foreign commercial function of the Department of Commerce; and for functions of other participating foreign affairs agencies. Appointments from each functional register will be made in rank order according to the needs of the relevant agency.



**c. Special Programs**

(1) Qualified minority candidates who apply and qualify under the Department of State Affirmative Action Junior Officer Program (AAJOP) may be placed on a separate register and offered appointment from that register to meet Affirmative Action hiring goals established by the Secretary.

(2) Mustang and Upward Mobility candidates who are career employees of the Department of State *will be certified* by the Board of Examiners for direct appointment on an individual basis after satisfactorily completing all aspects of the examination process.

**d. Postponement of Entrance on Duty**

Postponement of entrance on duty because of civilian Federal Government service abroad (to a maximum of two years of such service), including Peace Corps volunteer service, or required active regular or reserve military service (to a maximum of the limit of such required service), may be authorized by the Board.

**e. Foreign Language Requirement**

A candidate may be certified for appointment to classes FS-6, FS-5, or FS-4 without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed career candidate may not be converted to career Foreign Service officer status unless, within a specified period of time, adequate proficiency in a foreign language is achieved. For limitations on promotion, see 3 FAM 2710 and 3 FAH-1 H 2710 .

**3 FAM 2216.2-8 Termination of Eligibility**

*(TL:PER-431; 12-17-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

**a. Time Limit**

Candidates who have qualified but who have not been appointed because of lack of openings will be removed from the rank-order register 18 months after the date of placement on the rank-order register. Time spent in civilian Federal Government service abroad (to a maximum of two years of such service), including Peace Corps volunteer service, or in required active regular or reserve military service (to a maximum of the limit of such required service), will not be counted as part of the 18-month eligibility period.

**b. Extension**

The Board of Examiners may extend the eligibility period when such extension is, in its judgment, justified in the interest of the Foreign Service.

**3 FAM 2216.2-9 Travel Expenses**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Travel and other personal expenses incurred by candidates to take the written and oral examinations will not be borne by the government. However, the participating foreign affairs departments and agencies may issue round-trip invitational travel orders to bring candidates to Washington, DC, at government expense, when it is determined by the agencies that this is necessary in the interest of the Foreign Service.

**3 FAM 2216.3 Mid-Level Foreign Service Officer Career Candidate Appointments**

**3 FAM 2216.3-1 General Considerations**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

**a. Authority**

Pursuant to sections 302 and 306 of the Foreign Service Act of 1980 (hereinafter referred to as the Act), all foreign service officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless that person is a citizen of the United States. Such appointment is initially to career candidate status, with subsequent commissioning to career status governed by 3 FAM 2240.

**b. Veterans' Preference**

Pursuant to section 301 of the Act, the fact that an applicant is a veteran or disabled veteran, shall be considered as an affirmative factor in the selection of Foreign Service officer career candidates. *For these purposes, the term "veteran or disabled veteran" means an individual who is preference eligible under subparagraph (A), (B), or (C) of section 2108 (3) of Title 54, United States Code.*

c. **Purpose and Policy**

(1) The Mid-Level Career Candidate Program of the Department of State supplements the Junior Foreign Service Officer Career Candidate Programs to *help address staffing* requirements for Foreign Service officers at the mid-level. The purposes of the Mid-Level Program is to permit the recruitment of a limited number of highly skilled and qualified personnel from outside the Foreign Service to meet specific needs that cannot be met from within the career Service.

(2) This section governs appointments to generalist occupational categories (that is, administrative, consular, economic, political *and public diplomacy*) at classes FS-3, FS-2, or FS-1. All appointments above FS-1, regardless of occupational category, are governed by 3 FAM 2217. Appointments to specialist occupational categories below the Senior Foreign Service are governed by 3 FAM 2218.

(3) Successful applicants under the Mid-Level Program will be appointed to career candidate status for a period not to exceed five years. Under precepts of the Commissioning and Tenure Board, career candidates may be granted tenure and converted to Career Foreign Service Officer status. Those who are not granted tenure prior to the expiration of their career candidate appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments. As provided in section 310 of the Act, such separated candidates who had originally been employed by the Department with the consent of the head of their agency shall be entitled to reemployment rights in their former agency under section 3597 of title 5, United States Code.

**3 FAM 2216.3-2 Eligibility Requirements**

(TL:PER-430; 12-05-2001)

(State Only)

(Applies to Foreign Service Employees)

a. **Citizenship**

*Each Foreign Service mid-level career candidate must be a citizen of the United States.*

**b. Service**

*On the date of application, a candidate must currently occupy (or have occupied within the last five years) a Federal Government position at or equivalent to the GS-12 level, or higher, or in the Armed Forces at one of the following military grades or higher: O-3, W-2, or E-7. In addition, a candidate must have completed a minimum of six years of specialized work experience, of which two years must have been at or equivalent to grade GS-11 or higher in the Federal Government, or in the Armed Forces at one of the following military grades or higher: O-2, W-2, or E-7. Advanced degrees may be substituted for part of the required specialized work experience, according to standards set and issued by the Office of Recruitment, Examinations & Employment of the Bureau of Human Resources (HR/REE).*

**c. Age**

All career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to:

(1) Complete at least two full tours of duty, exclusive of orientation and training;

(2) Complete the requisite eligibility period for tenure consideration; and

(3) Complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

**3 FAM 2216.3-3 Methods of Application**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

**a. Foreign Service Written Examination**

*The Foreign Service written examination will not normally be required of candidates for mid-level appointment. However, if the volume of applications is such as to make it infeasible to examine all candidates orally within a reasonable time, such candidates may be required to take an appropriate written examination prescribed by HR/REE. Candidates whose scores on the written examinations are at or above eight will then be eligible to sit for the Oral Assessment, as defined under 3 FAM 2216.3-4, as long as they satisfy the eligibility requirements specified under 3 FAM 2216.3-2.*

**b. Procedures for Applying**

*Applicants will respond to Department mid-level vacancy announcements that identify positions at specific cones and grades. In so doing, applicants are to complete, as appropriate, and submit the following documentation:*

*(1) A U.S. Department of State Application for Employment (Form DS-1950);*

*(2) Documents that verify work experience and grade levels occupied as defined under 3 FAM 2216.3-2(b);*

*(3) Two most recent performance evaluations;*

*(4) A written Statement of Interest;*

*(5) Official training and education records, e.g., transcripts, certifications, military records, etc.; and*

*(6) The Accomplishment Record and Conal Skills Questionnaire.*

*Failure to supply all the information included in this paragraph may prejudice the ability of the Department to consider the application.*

**c. Minimum Qualification Review**

**(1) Conduct of Minimum Qualification Review**

*HR/REE will have an initial minimum qualification review conducted to determine whether an applicant meets the eligibility requirements for a mid-level applicant as defined in 3 FAM 2216.3-2, and the criteria outlined in the vacancy announcement against which the candidate has applied. In making this determination, the documents noted in (b) (1) and (2) of the immediately preceding paragraph will also be considered. In addition, each applicant's accomplishment record and conal skills questionnaire will be scored. HR/REE will receive, for each vacancy announcement, a list of candidates that satisfy the eligibility requirements rank-ordered according to the results of their combined scores on the accomplishment record and conal skills questionnaire. HR/REE will also receive a separate list of names of those found ineligible by virtue of failing to meet the definitions in 3 FAM 2216.3-2.*

**(2) Initial Department Hiring Needs Determination**

*At the discretion of the Director of HR/REE, HR/REE, based on Department hiring needs, will determine what percentage of the rank-ordered candidates passed through the minimum qualifications review shall go onto the qualifications evaluation panel process.*

(3) Notification of Candidacies to be Terminated

*Candidates found ineligible and those who will not be reached by virtue of the determination described in paragraph (2) immediately above and following the minimum qualifications review, will be notified by HR/REE of the termination of their candidacies at this time.*

**d. Qualification Evaluation Panel**

*Assessors of the Board of Examiners will subsequently constitute a Qualification Evaluation Panel (QEP) to evaluate the active candidate files following paragraph c above. Applying criteria developed by HR/REE, the assessors will review the candidate's background, experience, and skills as documented in paragraph b (1) – (5) and decide whether to recommend the candidate be invited to sit for the oral assessors who will assign a score based on how closely the candidates meet the general qualifications and specialized experience enumerated in each vacancy announcement.*

**e. Final Score**

*The candidates who applied for each vacancy announcement will be re-ranked based on their final scores. These shall be computed by adding the combined score from the accomplishment record and conal questionnaire to the score from paragraph d above.*

**f. Disposition of Candidacies**

(1) Final Department Hiring Needs Determination

*HR/REE will review the list of rank ordered candidates from paragraph e above and make a determination, based on Department hiring needs, how many candidates for each vacancy announcement will be passed on to the Oral Assessment.*

(2) Notification of Termination of Candidacies

*HR/REE will inform individuals whose candidacies were not continued as a result of paragraphs d and f (1) above, of this decision at this time.*

### **3 FAM 2216.3-4 Foreign Service Oral Assessment**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

#### **a. Purpose**

*The oral assessment is designed to enable the Board of Examiners to determine a candidate's aptitude for the work of the Foreign Service at the mid-level cone and grade for which he or she has applied, his or her potential to be promoted and succeed over a normal career span, as well as the applicant's fitness for a Foreign Service career.*

#### **b. When and Where Given**

*The oral assessment for mid-level candidates will normally be offered only in Washington, DC at specified periods during the year. At the discretion of the Board of Examiners, it may be given in other U.S. cities selected by HR/REE.*

#### **c. Assessment Procedure**

*A panel of assessors of the Board of Examiners will administer the oral assessment to groups of mid-level officer candidates segregated from those being evaluated for entry level admission to the Foreign Service. A career officer of the Foreign Service shall chair assessment panels. Determinations of duly constituted panels are final unless modified by specific action of the Board.*

##### **(1) Content**

*The assessors will question the candidate regarding the specialized knowledge corresponding to the vacancy announcement to which he or she has applied and other matters relevant to the candidate's qualifications for appointment.*

##### **(2) Other Exercises**

*Candidates who take the oral assessment also may be asked to complete other exercises during the examination day, to enable the Board of Examiners to measure additional aspects of performance related to foreign service work at the mid-level.*

(3) **Grading**

*Candidates taking the oral assessment will be graded numerically according to standards established by HR/REE for the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by HR/REE will be continued and his or her name will then also be placed on a rank-ordered list of eligible hires for each vacancy announcement according to his or her score on oral assessment.*

d. **Background Investigation**

*Mid-level applicants who pass the oral examination will be required to cooperate in a background investigation in order to maintain their candidacies for possible appointment.*

e. **Medical Examination**

*Mid-level candidates who pass the oral examination, and wish to maintain their status for possible appointment, will be required, along with their dependents, to undergo a medical examination. The medical examination is intended to detect the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a world-wide basis or which, otherwise, might adversely affect assignment to any post in the world.*

f. **Final Review Panel**

A candidate who passes the oral assessment and background investigation stages is evaluated by a final review panel to determine suitability for the Foreign Service. The final review panel consists of two or more assessors from the Board of Examiners. This penultimate step in the selection process requires an evaluation of the candidate's complete record, with particular attention to the background investigation. The panel may terminate a candidacy only on suitability grounds, as outlined in 3 FAM 4137, 4138 and 4139. If approved by the panel, a candidate's name is forwarded to the appropriate section in HR/REE for handling a possible offer of employment per (g) immediately below. This section will also inform candidates who have been terminated at this stage.

g. **Appointment Offers and Salary Levels**

a. **Mid Level Career Candidate Officer Appointments**

*HR/REE shall offer candidates approved by the final review board appointments as career candidate mid-level officers based on Department hiring needs according to the rank-ordered list of eligible hires for each vacancy announcement.*



(2) Salary Computation

*Salaries will be determined at the time appointment offers are made. Appointees will receive a salary within their appointed grade that most closely meets, but does not exceed, their previous base salary.*

**3 FAM 2216.3-5 Mentoring, Training and Career Development**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

**a. The Mid Level Career Candidate Officer Policy Review Group**

*The Mid-Level Career Candidate Officer Policy Review Group (MOPRG) is established under this sub-section with a mandate to examine the operation of the Mid-Level Career Candidate Officer Program. It shall meet at least annually. The MOPRG will make recommendations, as needed, to the Director General concerning making the program more effective in attaining its goals. HR/REE, HR/CDA, HR/RMA, HR/PC, FSI and L will nominate representatives to the Group. The Director General will designate a chair and may also appoint other members.*

**b. Mentoring**

*The responsibility for organizing and monitoring the mentoring of mid-level officers shall rest with HR/CDA.*

**c. FSI and Training**

**(1) Purpose**

*Mid-level officers hired by the Department will already have specialized experience in their areas of expertise. Before they go abroad, they will require the training that will enable them, with their pre-existing knowledge to function successfully in a Foreign Service environment.*

**(2) A – 100 and Subsequent Training**

*Mid-level officer career candidates will enter the Foreign Service through A-100 at FSI. Subsequently, depending on their cone, they shall be assigned to appropriate basic courses at FSI.*

**(3) Language Training**

*Unless a mid-level career candidate officer is already off language probation, HR/CDA will, depending on Service need, assign the officer to language training consistent with the relevant provisions regarding commissioning and tenure.*

d. **Assignments**

(1) Role of CDA

*HR/CDA will be responsible for managing the career development of these officers, from their entry on duty through their first two full assignments. CDA will maintain a comprehensive standard operating procedure for this purpose.*

(2) Initial Department Orientation Assignment

*After a mid-level career candidate officer has completed his or her initial training as outlined in 3 FAM 2216.3-5 (c) above, HR/CDA/ML will panel the officer to an initial six-month assignment in the Department. Based on the officer's cone, the assignment will be to CA, PA, or to the appropriate office in the geographic bureau which corresponds to his or her first abroad post. Only the Director General has the authority to waive this requirement in whole or in part.*

## **3 FAM 2217 SENIOR FOREIGN SERVICE OFFICER CAREER CANDIDATE AND LIMITED NON-CAREER APPOINTMENTS**

### **3 FAM 2217.1 General Considerations**

*(TL:PER-430; 12-05-2001)  
(Uniform State/USAID/BBG/Agriculture)  
(Applies to Foreign Service Employees)*

a. Career officers at the senior level normally shall be appointed as the result of promotion of mid-level career officers. Where the needs of the Foreign Service at the senior level cannot otherwise be met by this approach, limited appointments may be granted to applicants as senior career candidates or as limited non-career appointees amended (hereinafter referred to as the Act), but qualified by sections 305(b)(1) and (2) and section under these regulations. However, as required by section 305(b) of the Foreign Service Act of 1980, and as 2403(c) of the Act, the limited appointment of an individual in the Senior Foreign service shall not cause the number of members of the Senior Foreign Service serving under limited appointments to exceed five percent of the total members of the Senior Foreign Service.

b. Successful applicants under the senior career candidate program will be appointed to career candidate status for a period not to exceed five years. Such limited career candidate appointments may not be renewed or extended beyond five years.

c. Under section 306 of the Act, senior career candidates may be found qualified to become career members of the Senior Foreign Service. Those who are not found to be so qualified before the expiration of their limited appointments will be separated from the career candidate program no later than the expiration date of their appointments. Separated candidates who originally were employees of a Federal department or agency, and who were appointed to the Senior Foreign Service with the consent of the head of that department or agency, will be entitled to reemployment rights in that department or agency under section 310 of the Act and section 3597 of title 5, United States Code.

d. The following regulations shall be utilized in conjunction with 3 FAM 2260 , Senior Foreign Service Officer Career Candidate Program.

### **3 FAM 2217.2 Senior Career Candidate Appointments**

#### **3 FAM 2217.2-1 Eligibility Requirements**

*(TL:PER-431; 12-17-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Senior career candidates must meet the following eligibility requirements:

##### **a. Citizenship**

Each person appointed as a senior career candidate must be a citizen of the United States.

##### **b. Age**

All career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to:

(1) Complete at least two full tours of duty, exclusive of orientation and training;

(2) Complete the requisite eligibility period for tenure consideration; and

(3) Complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

**c. Service**

(1) On the date of application, an applicant must have completed a minimum of 15 years of professional work experience, including at least five years of service in a position of responsibility in a Federal Government agency or agencies or elsewhere equivalent to that of a mid-level Foreign Service officer (classes FS-1 through FS-3). The duties and responsibilities of the position occupied by the applicant must have been similar to or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and abroad work experience. In addition, an applicant must be currently in, or have been in, a position comparable to a Foreign Service officer of class I (FS-1) or higher.

(2) Applicants from outside the Federal Government, and Federal employees who at the time of application lack the 15 years of professional work experience or the five years of service in a position of responsibility as defined in the preceding paragraph, may be considered. If they are found to possess a combination of educational background, professional work experience, and skills needed by the Foreign Service at the senior level in employment categories which normally are not staffed by promotion of mid-level career officers.

(3) Non-career members of the Senior Foreign Service of a Federal Government department or agency also may apply for the senior career candidate program if they meet the eligibility requirements for the program.

**d. Certification of Need**

Before an application can be processed, the Director of Human Resources of the foreign affairs agency concerned must certify that there is a need for the applicant as a senior career candidate based upon the projections of personnel flows and needs mandated by section 601(c)(2) of the Act, and a finding that the combination of educational background, professional work experience, and skills possessed by the applicant is not expected to be available in the immediate future in sufficient numbers within the Senior Foreign Service, including by promotion and/or special training of career personnel. This certification of need will be requested by the Board of Examiners for the Foreign Service from the appropriate foreign affairs agency Director of Human Resources.

### **3 FAM 2217.2-2 Application**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

All applicants for the senior career candidate program must apply in writing through the prospective employing agency to the Board of Examiners for consideration. The applicant shall submit a completed Standard Form 171, Application for Federal Employment, to the Board. In addition, the applicant shall submit a narrative statement, not exceeding four typewritten pages in length, describing the applicant's pertinent background and professional work experience, which includes a statement of the applicant's willingness and ability to accept the obligation of worldwide service. The Board may request additional written information from the applicant following receipt of the initial application.

### **3 FAM 2217.2-3 Qualifications Evaluation Panel**

*(TL:PER-431; 12-17-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

a. The Board of Examiners will establish a file for each applicant, placing in it all available documentation of value to be used in evaluating the applicant's potential for service as a senior career candidate. For an applicant from within the Federal Government, this will include the personnel file from the employing department or agency.

b. The complete file will be reviewed by a Qualifications Evaluation Panel of the Board of Examiners:

(1) To determine whether the applicant meets the statutory and other eligibility requirements;

(2) To assess the applicant's skills for the certification of need issued by the prospective employing agency; and

(3) To recommend whether the applicant should be examined for possible appointment as a senior career candidate. If the Qualifications Evaluation Panel decides that the applicant is not eligible for examination, the prospective employing agency shall be informed by the Board of the reasons for that decision.

### **3 FAM 2217.2-4 Written Examination**

*(TL:PER-431; 12-17-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

The Board of Examiners, normally, will not require senior career candidate applicants to undergo a written examination. However, the Board, upon securing the agreement of the prospective employing agency, may decide that such applicants should be required to take an appropriate written examination prescribed by the Board. If so, an applicant whose score on the written examination is at or above the passing level set by the Board will be eligible for selection for the oral examination.

### **3 FAM 2217.2-5 Oral Examination**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

#### **a. Examining Panel**

Applicants recommended by the Qualifications Evaluation Panel will be given an appropriate oral examination by a panel of senior Foreign Service deputy examiners of the board of examiners. The Oral Examining Panel shall be composed of at least two deputy examiners who are senior Foreign Service career officers of the prospective employing agency, and at least one deputy examiner who is a senior Foreign Service career officer from another foreign affairs agency operating under the Foreign Service Act. The Examining Panel shall be chaired by a deputy examiner who is a senior Foreign Service career officer of the prospective employing agency. At least one of the Examining Panel members shall represent the functional or specialist field for which the applicant is being examined. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the board of examiners.

#### **b. Criteria**

(1) The Examining Panel will question the applicant regarding the indicated functional or specialist field and other matters relevant to the applicant's qualifications for appointment as a senior career candidate. Prior to the oral examination, the applicant will be asked to write an essay, on a topic related to Foreign Service work. This will enable the Examining Panel to judge the applicant's effectiveness of written expression. This essay requirement may be waived at the request of the head of the prospective employing agency, if, for example, the applicant is a career member of the senior Executive service.

(2) The oral examination will be conducted under written criteria, established in consultation with the prospective employing agency and publicly announced by the Board of Examiners. The examination will seek to determine the ability of the applicant to meet the objective of section 101 of the Act, which provides for a senior foreign service" characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise."

**c. Grading**

Applicants taking the oral examination will be graded as "recommended," or not recommended" by the Examining Panel. Those graded as " recommended" also will be given a numerical score, under the standard board of examiners scoring criteria, for use by the Final Review Panel.

**3 FAM 2217.2-6 Background Investigation**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Senior career candidate applicants recommended by the Examining Panel will be subject to the same background investigation as required for junior and mid-level Foreign Service officer career candidates. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

**3 FAM 2217.2-7 Medical Examination**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Senior career candidate applicants recommended by the Examining Panel, and their dependents, will be subject to the same medical examination as required for the junior and mid-level Foreign Service career candidates. The medical examination shall be conducted to determine the applicant's physical fitness to perform the duties of a Foreign Service officer on a worldwide basis and, for applicants and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis. Applicants and/or dependents who do not meet the required medical standards may be given further consideration, as appropriate, under the procedures of the prospective employing agency.

### **3 FAM 2217.2-8 Foreign Language Requirement**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Applicants recommended by the examining panel will be required to take a subsequent examination to measure their fluency in foreign languages, and/or their aptitude for learning them. Senior career candidates will be subject to the foreign language requirements established for their occupational category by their prospective employing agency. Senior career candidate applicants for the Foreign Commercial Service must demonstrate proficiency by examination in two foreign languages. Except for the Foreign Commercial Service, an applicant may be appointed without first having passed an examination in a foreign language, but the appointed senior career candidate may not be commissioned as a career senior Foreign Service officer unless adequate proficiency in a foreign language is achieved. This language requirement will not apply to candidates in occupational categories which, in the judgment of the prospective employing agency, do not require foreign language proficiency.

### **3 FAM 2217.2-9 Final Review Panel**

*(TL:PER-431; 12-17-2001)*  
*Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

a. The entire file of an applicant recommended by the examining panel will be reviewed and graded by a final review panel, after the results of the background investigation, medical examination, and language examination are received. The final review panel will decide whether or not to recommend the applicant for appointment, taking into account all of the available information concerning the applicant.

b. The final review panel shall consist of a chairperson who shall be a deputy examiner who is a career senior Foreign Service officer of the prospective employing agency, and at least two other deputy examiners of the Board of Examiners. Of the deputy examiners serving on the Final Review Panel, the majority shall be career senior Foreign Service officers of the prospective employing agency; and at least one shall be a career senior Foreign Service officer of one of the other foreign affairs agencies operating under the Act.



### **3 FAM 2217.2-10 Certification of Appointment**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

The file of an applicant recommended by the Final Review Panel will be submitted to the Board of Examiners for consideration and approval. An applicant found by the Board to meet the standards for appointment as a senior Foreign Service career candidate shall be so certified to the Director of Personnel of the prospective employing agency.

### **3 FAM 2217.3 Limited Non-Career Appointments**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

a. Other senior Foreign Service appointments may be made on a limited non-career basis for individuals who do not wish to compete for career appointments, but for whom a need can be certified by the Director of Human Resources of the foreign affairs agency concerned. Such limited non-career senior appointees will be subject to the eligibility requirements set forth in 3 FAM 2217.2-1 (a) and d). The maximum age set forth in 3 FAM 2217.2-1 b does not apply to such appointments. However, because Foreign Service members generally are subject to the mandatory retirement age of 65, under section 812 of the Act, limited non-career senior appointments normally will not extend beyond the appointee's 65th birthday. Limited non-career appointees of the Department of Commerce will not be subject to the language requirements of 3 FAM 2217.2-8 . Applicants for limited non-career senior appointments will be subject to the same background investigation and medical examination required of career candidates, but normally they will not be subject to a written or oral examination, or to approval by the Board of Examiners (BEX). Processing procedures for such applicants will be established by the Director of *Human Resources* of the foreign affairs agency concerned. Normally their appointments will be limited to the duration of the specific assignments for which they are to be hired, may not exceed five years in duration, and may not be renewed or ex-tended beyond five years.

b. Before the expiration of their limited non-career senior appointments, if they meet all the eligibility requirements set forth in 3 FAM 2217.2-1, such individuals may elect to compete for career candidate status in the senior Foreign Service by qualifying at that time for and taking the examinations required of career candidates. If appointed as career candidates, the length of service under their previous limited non-career appointments may be counted under the procedures of the employing agency as part of the trial period of service prescribed before a career candidate can receive a career appointment. The total period of limited appointment (non-career and career candidate) of such individuals may not exceed five years in duration.

c. Nothing in this section will limit the right of an individual who has previously served as a limited non-career senior appointee from subsequently applying for consideration as a new applicant and being appointed as a senior career candidate after a limited non-career appointment has expired.

### **3 FAM 2217.4 Reporting Requirement**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

The Director of *Human Resources* of each foreign affairs agency shall report annually to the Director General of the Foreign Service, Department of State, the number and nature of the limited senior foreign service appointments (non-career and career candidates) made by that agency under these regulations.

## **3 FAM 2218 FOREIGN SERVICE SPECIALIST APPOINTMENTS**

### **3 FAM 2218.1 General Considerations**

*(TL:PER-315; 03-26-1996)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

a. Section 303 of the Foreign Service Act of 1980 (hereinafter referred to as the Act) authorizes the appointment of members of the Service (other than Presidential appointments).

b. Section 306 of the Act provides that, before receiving a career appointment in the Foreign Service, an individual shall first serve under a limited appointment for a trial period of service as a career candidate.

c. This section governs the appointment by the Department of State of Foreign Service specialist career candidates to classes FS-1 and below. Specialist candidates comprise all candidates for career appointment in all occupational categories other than generalists (that is, administrative, consular, economic and political), who are governed by the regulations respecting Foreign Service officer career candidates, (see 3 FAM 2216). The appointment of all senior Foreign Service career candidates regardless of occupational category, is governed by 3 FAM 2217. Regulations governing trial service and tenuring of specialist candidates are found in 3 FAM 2250.

d. Veterans' preference shall apply to the selection and appointment of Foreign Service specialist career candidates.

## **3 FAM 2218.2 Specialist Career Candidate Appointments**

### **3 FAM 2218.2-1 Certification of Need**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Candidates for appointment as specialist career candidates must be available for worldwide service and must have a professional or a functional skill for which there is a continuing need in the Foreign Service. Before an application can be processed, the Director General of the Foreign Service must certify that there is a need for the applicant as a career candidate in the specialist category at or above the proposed class of appointment. No applicant shall be appointed at a class level for which there is no certified need. This individual certification of need is not required for those specialist occupations which the Director General determines in advance to be short-age or continuous recruitment categories, and for which the Director General has certified the need for a specific number of appointments at given levels. Such appointments, including an appointment of an individual who is the employee of any agency, may not exceed five years in duration, and may not be renewed or be extended beyond five years. A specialist candidate denied tenure under 3 FAM 2250 may not be reappointed as a career candidate in the same occupational category.

### **3 FAM 2218.2-2 Eligibility**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

An applicant must be a citizen of the United States and at least 20 years of age. The minimum age for appointment as a career candidate is 21. All career candidate appointments shall be made before the candidate's 60th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to:

(1) Complete at least two full tours of duty, exclusive of orientation and training;

(2) Complete the requisite eligibility period for tenure consideration; and

(3) Complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

### **3 FAM 2218.2-3 Selection and Initial Screening**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. Specialist career candidates will be selected on the basis of education, experience, suitability, performance potential, and physical fitness for worldwide service. Applicants normally will be given personal interviews and will be subject to such written, oral, physical, foreign language, and other examinations as may be prescribed by the Board of Examiners for the Foreign Service and administered by the Office of Recruitment, Examination, and Employment (*HR/REE*).

b. The Board of Examiners will identify and/or approve the knowledge, skills, abilities, and personal characteristics required to perform the tasks and duties of Foreign Service specialists in each functional field. *HR/REE* will screen applications for appointment as Foreign Service specialist career candidates under approved criteria and select those who meet the requirements for further processing under these regulations.

### **3 FAM 2218.2-4 Oral Examination**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Candidates selected through the initial screening will be eligible for an oral examination unless they are candidates for appointment in occupational categories for which the oral examination may be waived by the Director General. This waiver normally will apply only to continuous recruitment categories and to appointments below the FS-6 level, and where such waivers occur, a thorough oral interview will be conducted. The oral examination will be given by a panel of deputy examiners, at least one of whom will be a career Foreign Service specialist proficient in the functional field for which the candidate is being tested. The examination may include a writing sample. Candidates taking the oral examination will be graded numerically according to standards set by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again until one year after that date.

### **3 FAM 2218.2-5 Background Investigation**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Candidates who have passed the oral examination, and candidates who have passed the initial screening if the oral examination has been waived, will be eligible for selection for the background investigation to determine their suitability for appointment to the Foreign Service.

### **3 FAM 2218.2-6 Medical Examination**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Such candidates and their dependents will be eligible for selection for the medical examination. The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service specialist on a worldwide basis and, for candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis.

### **3 FAM 2218.2-7 Final Review Panel**

*(TL:PER-430; 12-05-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

After the results of the medical examination and background investigation have been received, a Final Review Panel, consisting of two or more deputy examiners of the Board of Examiners, or another appropriate panel appointed for the purpose by the Director of *HR/REE*, will review and grade the candidate's entire file. Candidates approved by the Final Review Panel will have their names placed on a rank-order register for the functional specialty for which they are qualified. Candidates will remain eligible for appointment for 18 months from the date of placement on the rank order register. The Board of Examiners may extend this eligibility period when such extension is, in its judgment, justified in the interests of the Foreign Service. The candidacy of anyone who is not recommended for appointment by the Final Review Panel shall be terminated and the candidate so informed.

### **3 FAM 2218.3 Limited Non-Career Appointments**

*(TL:PER-315; 03-26-1996)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Other Foreign Service specialist appointments may be made on a limited, non-career basis. Before an application for a limited, non-career appointment can be processed, the Director General of the Foreign Service must certify that there is a need for the applicant. Such limited specialists must serve abroad, and they will be subject to the same conditions as those outlined in these regulations for career candidates, with the exception that the maximum age of 59 does not apply to such appointments. However, because members of the Foreign Service generally are subject to the mandatory retirement age of 65 under section 812 of the Act, limited, non-career appointments normally will not extend beyond the appointee's 65th birthday. Applicants for limited, non-career appointments will be subject to the same screening, medical examination, background investigation, and final review process required of career candidates, but normally they will not be subject to a written or oral examination. Their appointments will normally be limited to the duration of the specific assignment for which they are to be hired, may not exceed five years in duration, and may not be renewed or extended beyond five years. Ordinarily, no limited, non-career appointee will be reappointed until at least one year has elapsed since the expiration of a previous appointment. However, an earlier reappointment may be granted in cases of special need, provided the exclusive employee representative is advised in advance and is afforded an opportunity to comment. Prior to the expiration of their limited appointments, if otherwise

eligible, non-career appointees may elect to compete for career candidate status by qualifying at that time for and taking the examinations required of career candidates. If successful, their names will be entered on the rank-order register for their functional specialty. If appointed as career candidates, the length of service under their previous limited, non-career appointments may be counted as part of the trial period of service prescribed before a candidate can receive a career appointment.

### **3 FAM 2219 CAREER FOREIGN SERVICE MEMBERS INTERCHANGE BETWEEN FOREIGN AFFAIRS DEPARTMENT AND OTHER FEDERAL AGENCIES**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Career Foreign Service members, including career members of the senior Foreign Service, of one foreign affairs department or agency desiring to convert to the equivalent status in another foreign affairs department or agency may apply on the basis of an agreement between the two agencies for direct transfer under the following provisions.

#### **3 FAM 2219.1 Application**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Eligible career members should send their applications for conversion appointments to the Board of Examiners for the Foreign Service (BEX), Department of State, Washington, DC 20520, for consideration and approval.

#### **3 FAM 2219.2 Certification of Need and Statement of Release**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

When a career Foreign Service member wishes to convert to an equivalent status in another department or agency, a certification of need is required from the Director of *Human Resources* of the gaining agency and a statement of release from the Director of *Human Resources* of the losing agency. Board of Examiners will request these documents from the appropriate department or agency personnel office.

### **3 FAM 2219.3 Review by the Board of Examiners**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Following receipt of the certification of need and the statement of release, Board of Examiners will review the application under the interagency agreement to determine whether or not the proposed conversion appointment should be approved. The purpose of this review is to confirm that the candidate for conversion has met the appropriate examination requirements for the pro-posed class and employment category in the gaining agency, under sections 211(a) and 301(b) of the Foreign Service Act of 1980, as amended. A candidate found by the Board to meet the requirements for conversion will be so certified to the Director of *Human Resources* of the gaining agency.

### **3 FAM 2219.4 Appointment**

*(TL:PER-431; 12-17-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

The conversion appointment will be effective upon completion of the appropriate personnel action by the Director of Human Resources of the gaining agency.

### **3 FAM 2219.5 Exclusions**

*(TL:PER-430; 12-05-2001)*  
*(Uniform State/USAID/BBG/Agriculture)*  
*(Applies to Foreign Service Employees)*

Noncareer Foreign Service members who are not covered by this regulation, or career members in employment categories not specified in the interagency agreement, who wish to transfer from one department or agency to another, may apply to the proposed employing agency for consideration under that agency's regulations governing the hiring of new employees.



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